

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

IN RE: PREMPRO PRODUCTS LIABILITY LITIGATION	: MDL DOCKET NO. 4:03-CV-1507-WRW : : : : ALL CASES
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ORDER Re: BELLWETHER DISMISSAL and SUPPLEMENTAL CASES

A June 20, 2005 Order (Doc. No. 671) set out the procedures for the selection of bellwether cases, and established the bellwether plaintiff criteria. I compiled a list of the potential bellwether cases and provided it to the parties for review. The Order read:

From this list of cases, I will randomly draw from a hat (literally) fifteen cases. Upon designation of these cases as potential bellwether cases, initial scheduling orders will be issued and the parties must commence "full speed ahead" discovery.

After four (4) months of discovery in these cases,¹ the parties must "meet and confer" and, if possible, together select five (5) cases that: (1) are most likely to be ready by the July 31, 2006 trial date and (2) involve representative plaintiffs -- as nearly so as possible. If the parties can't agree or I feel that the proposed cases are not representative enough, I will review and select appropriate cases.²

At the September 16, 2005 status conference, the parties mentioned that several of the original fifteen (15) Bellwether Plaintiffs were going to seek voluntary dismissals. The issue of whether or not these Bellwether Plaintiffs should be replaced -- so that the initial pool remains at fifteen (15) -- was also mentioned.

¹This is a flexible time period, and at the request of either party could be pushed back.

²Doc. No. 671.

After deliberating on the issue, I conclude that when a potential Bellwether case is dismissed -- whether it be voluntary dismissal, settlement, or some other reason -- the nonmoving party³ will select, a case from the original bellwether list, to replace the dismissed case.⁴ The nonmoving party must inform me, via letter,⁵ of the case or cases it wishes to substitute within seven (7) days of the dismissal order. If the nonmoving party fails to provide me with its proposed replacement, I will randomly select a case from the original bellwether list.

IT IS SO ORDERED, this 22nd day of September, 2005.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT COURT JUDGE

³In cases that settle, the nonmoving party would be the plaintiff.

⁴Attached as Exhibit A.

⁵Fax letter is acceptable.

Exhibit A

Arkansas Case No.	Case Name	Transferor Court
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1	4:04CV01213WRW	Margaret Jones v. Wyeth, et al	AR Eastern
2	4:04CV01169WRW	Donna Scroggin v. Wyeth, et al	AR Eastern
3	4:04CV00357WRW	Kay Graves v. Wyeth, Inc., et al	AR Eastern
4	4:04CV00358WRW	Yvonne Parsons v. Wyeth, Inc., et al	AR Eastern
5	4:04CV00372WRW	Nancy M. Demoville v. Wyeth, Inc., et al	AR Eastern
6	4:04CV00388WRW	Rose Jones, et al v. Wyeth, et al	AR Eastern
7	4:04CV00554WRW	John W. Goodwin, et al v. Wyeth, Inc., et al	AR Western
8	4:04CV00555WRW	Pamela Kuhn v. Wyeth, Inc., et al	AR Western
9	4:04CV00520WRW	Mary Jane Freeman, et al v. Wyeth, Inc., et al	AR Eastern
10	4:04CV00584WRW	Jean McCarthy, et al v. Wyeth, et al	AR Eastern
11	4:05CV00752WRW	Charlotte Fruittucheer, et al v. Wyeth, et al	AR Eastern
12	4:05CV00753WRW	Lora Duffy v. Wyeth, et al	AR Eastern
13	4:05CV00711WRW	Lou DeFreccc, et al v. Wyeth, et al	AR Eastern
14	4:05CV00717WRW	Dorothy Jackson v. Wyeth	AR Eastern
15	4:05CV00731WRW	Karen Brock, et al v. Wyeth, et al	AR Eastern
16	4:05CV00709WRW	Peggy Starr, et al v. Wyeth, et al	AR Eastern
17	4:05CV00715WRW	Betty Daniel, et al v. Wyeth, et al	AR Eastern
18	4:05CV00756WRW	Joan Swafford, et al v. Wyeth, et al	AR Eastern
19	4:05CV00755WRW	Sandra Ring, et al v. Wyeth, et al	AR Eastern
20	4:05CV00730WRW	Betty Crook v. Wyeth, et al	AR Eastern
21	4:05CV00720WRW	Betty Jo Brooks, et al v. Wyeth, et al	AR Eastern
22	4:05CV00735WRW	Frona Puckett, et al v. Wyeth, et al	AR Eastern
23	4:05CV00759WRW	Theresa Fournier v. Wyeth, et al	AR Eastern
24	4:05CV00757WRW	Vera Edmonston v. Wyeth, et al	AR Eastern
25	4:05CV00713WRW	Dorothy Shope, et al v. Wyeth, et al	AR Eastern
26	4:05CV00710WRW	Dorothy Wiscaver, et al v. Wyeth, et al	AR Eastern
27	4:05CV00718WRW	Mary Ingram, et al v. Wyeth, et al	AR Eastern

Exhibit A

Arkansas Case No.	Case Name	Transferor Court
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28	4:05CV00714WRW	Doris Crow, et al v. Wyeth, et al	AR Eastern
29	4:05CV00732WRW	Donna Cook v. Wyeth, et al	AR Eastern
30	4:05CV00719WRW	Maxine Davis, et al v. Wyeth, et al	AR Eastern
31	4:05CV00754WRW	John Williamson, et al v. Wyeth, et al	AR Eastern
32	4:05CV00712WRW	Myrna Dunn, et al v. Wyeth, et al	AR Eastern
33	4:05CV00539WRW	Frenzella Dodson v. Wyeth, et al	AR Eastern
34	4:05CV00544WRW	Pat Burbridge v. Wyeth, et al	AR Eastern
35	4:05CV00540WRW	Kathleen Dickinson v. Wyeth, et al	AR Eastern
36	4:05CV00546WRW	Helen Joyce Hill v. Wyeth, et al	AR Eastern
37	4:05CV00541WRW	Anita Gray Major v. Wyeth, et al	AR Eastern
38	4:05CV00545WRW	Donna Richarme v. Wyeth, et al	AR Eastern
39	4:05CV00543WRW	Phyllis Watkins Velasquez v. Wyeth, et al	AR Eastern
40	4:04CV00795WRW	Martin, et al v. Wyeth, et al	AR Eastern
41	4:04CV01164WRW	Iva Hasley, et al v. Wyeth, Inc., et al	AR Eastern
42	4:04CV01165WRW	Rosetta Van Houten, et al v. Wyeth, Inc., et al	AR Eastern
43	4:04CV02258WRW	Ann Marie Oostenink, et al v. Wyeth, Inc., et al	AR Western
44	4:04CV02259WRW	Fran L. Frailey, et al v. Wyeth, Inc., et al	AR Western
45	4:04CV02307WRW	Shirley Underwood v. Wyeth, et al	AR Eastern
46	4:04CV02271WRW	Diane Laferrara, et al v. Wyeth, Inc.	AR Eastern
47	4:05CV00095WRW	Mollie Collins v. Wyeth	AR Western
48	4:05CV00165WRW	Linda Sinclair v. Wyeth, et al	AR Western
49	4:05CV00163WRW	Linda Reeves v. Wyeth, Inc.	AR Western
50	4:05CV00444WRW	Sharon Gay Harris v. Wyeth, et al	AR Western
51	4:05CV00509WRW	Frances Hyatt v. Wyeth, et al	AR Eastern
52	4:03CV00980WRW	Barbara Wilkes, et al v. Wyeth	AR Eastern
53	4:05CV00492WRW	Linda Phillips v. Wyeth, et al	AR Eastern
54	4:05CV00493WRW	Frances Lawrence v. Wyeth, et al	AR Eastern
55	4:05CV00495WRW	Doris Scales v. Wyeth, et al	AR Eastern